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June 1, 2021

Via Electronic Filing

The Honorable Stewart D. Aaron, U.S.M.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Antolini v. McCloskey et al*
Case No.: 1:19-cv-09038-GBD

Dear Honorable Judge Aaron:

This law firm represents Defendants Dimur Enterprises Inc., Amy McCloskey, Theresa Laurent, Eddie C K Chung and C&S Millennium Real Estate (collectively, the “Defendants”) in the above-referenced action.

Pursuant to Your Honor’s Individual Practice Rules I(A) and I(D), this letter respectfully serves to respond to Plaintiff counsel’s May 31, 2021 letter motion for an extension of time to show cause why he should not be sanctioned. [See Dckt. No. 174].

Defendants take no position on Plaintiff’s counsel’s extension request.

However, it should be noted that Plaintiff’s counsel’s first and second extension requests [Dckt. Nos. 172, 174] were both filed in derogation of Your Honor’s Individual Practice Rule I(D).¹

¹ Attorney Finkelstein’s disregard for Fed.R.Civ.P. discovery protocols, and this Court’s Orders are not isolated occurrences. *See* [Dckt. No. 58] [“Before writing to the Court and further clogging the docket, [Attorney Finkelstein] should read my Individual Practices”]; *see also* [Dckt. Nos. 20, 21, 25, 27, 30, 31, 34, 42, 80] [Plaintiff’s letter motions filed in derogation of this Court’s Individual Motion Practice Rules]; *see also* [Dckt. No. 53] [Admonishing Attorney Finkelstein for failing to respond to outstanding discovery requests, under threat of sanctions]; [Dckt. Nos. 75] [Sanctioning Attorney Finkelstein for failure to comply with August 7 Order]; [Dckt. No. 79] [Admonishing Attorney Finkelstein to meet and confer and to cooperate with Defendants’ counsel without resort to court intervention “and to follow the process set forth in [the Court’s] August 7 Order.”]; [Dckt. No. 112-4 at 6:25 – 7:2] [October 14, 2020 Transcript] (Court stating that obtaining truthful information from Plaintiff’s counsel was akin to “drawing blood from a stone”); [*Id.* at 13:10] [October 14, 2020 Transcript] (“The Court: All right, so [Plaintiff’s counsel] is obfuscating”); [Dckt. No. 126] [Admonishing Attorney Finkelstein for failing to comply with Individual Motion Practice Rules]; [Dckt. No. 142] [Ordering Plaintiff and Plaintiff’s counsel to file two sworn statements, under penalty of perjury, and scheduling an issue-framed hearing, due to Plaintiff’s counsel’s dilatory conduct]; [Dckt. No. 157] [Admonishing Plaintiff, “once again for...[failing] to appropriately meet and confer prior to raising [his] disputes with the Court.”]; [Dckt. No. 163] [Noting Plaintiff’s counsel’s failure to comply with this Court’s April 16, 2021 Order and August 7, 2021 Order]; [Dckt. No. 169] [Ordering Attorney Finkelstein to show cause why he should not be sanctioned for violating the Court’s March 2 Order]; [Dckt. No. 172] [Failing to meet-and-confer with Defendants’ counsel before seeking extension]; [Dckt. No. 174] [same].

We thank the Court for its attention to this matter, and are available at the Court's convenience to answer any questions related to the foregoing.

Thank you, in advance, for your time and consideration.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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